

REMARKS

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

This amendment adds new claims 24-26, amends claims 13 and 16, and cancels claims 12 and 15. New claim 24 is allowable claim 12 rewritten in independent form. Claim 13 has been amended to depend from claim 24. New claim 25 is allowable claim 15 rewritten in independent form. Claim 16 has been amended to depend from claim 25. Thus, it is respectfully requested that claims 13, 16, 17, 24 and 25 be indicated as allowed.

The Office Action of September 23, 2002 rejected claim 11 as obvious in view of British Patent No. 1,260,144 (hereinafter "the '144 patent"). This rejection of claim 11 is respectfully traversed.

The M.P.E.P. sets forth the criteria for a rejection for obviousness as follows:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

See, MPEP § 706.02(j) citing In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In addition to failing to teach or suggest a plastic joint housing, as recognized in the Office Action, the '144 patent also fails to teach or suggest other elements of claim 11. Specifically, the '144 patent fails to teach or suggest a metal ring (4) that is embedded in the joint housing (2). The term "embedded" means to be fixed firmly in a surrounding mass. (See attached definition from *The American Heritage Dictionary of the English Language, Third Ed.*, 1992). The '144 patent discloses that the cylindrical side wall 72 of the sleeve bears against the cylindrical surface of the recess 28. (Page 2, lines 90-94). Furthermore, the '144 patent fails to teach or suggest that the sleeve is fixed within the recess 28 of the body 24 of the joint housing 18. The '144 patent teaches that the sleeve is retained in position in the recess 28 by peening an annular flange abutment 34 inwardly to bear against the annular flange 76 of the sleeve. (Page 2, lines 107-110). This teaching of the '144 patent suggests that the sleeve is not fixed within the body 24. Thus, it is respectfully suggested that the sleeve of the '144 patent is not embedded in the body 24 of the joint housing 18 and allowance of claim 11 is respectfully requested.

Moreover, the '144 patent fails to teach or suggest a metal ring (4) that positively locks the bearing shell within the joint housing (2). The '144 patent teaches that annular flange abutment 34 retains the polyurethane seat 78 and the nylon seat 68 in the recess 28 of the joint housing 18. (Page

2, lines 107-115). Thus, for this further reason, allowance of claim 11 is respectfully requested.

Additionally, it is respectfully submitted that forming the joint housing from plastic is more than an obvious design choice and that the '144 patent provides no motivation or suggestion for providing a plastic joint housing.

Particularly, since the '144 patent teaching peening an annular flange abutment 34, which is integral to the body 24 of the joint housing 18, for retaining the sleeve, the nylon seat 68, and the polyurethane seat 78 in the recess 28 of the body 24, one of ordinary skill in the art would not form the joint housing 18 of the '144 patent from plastic. Peening is particularly useful in metalworking, not in working with plastic materials. Since the '144 patent provides no suggest or motivation for forming the joint housing from plastic, the rejection of claim 11 is improper and should be withdrawn. Thus, allowance of claim 11 is respectfully requested.

Claims 14, 18, and 26 depend from claim 11 and are allowable for the recitation of each claim and for the reasons set forth with regard to claim 11.

Specifically, new claim 26 recites that the metal ring (4) protrudes outwardly of the plastic joint housing (2) such that the radially inwardly bent end segment (4.3) is spaced away from the joint housing (2) in the area of the opening of the joint housing (2). Claim 26 also recites that the radially inwardly bent end segment (4.3) secures the bearing shell (3) in the joint housing (2). The '144 patent fails to teach or suggest these features of claim 26. Specifically,

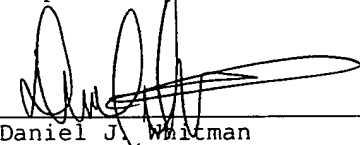
the sleeve of Fig. 3 of the '144 patent does not protrude outwardly of the housing 18 and the annular flange 76 of the sleeve of the '144 patent is not spaced away from the housing 18. The '144 patent teaches to be an annular flange abutment 34, which is an integral part of the housing 18, against the annular flange 76 of the sleeve. (Page 2, lines 107-110). Since the '144 patent fails to teach or suggest these features of claim 26, allowance of claim 26 is respectfully requested.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

  
Daniel J. Whitman  
Reg. No. 43,987

TAROLLI, SUNDHEIM, COVELL  
& TUMMINO L.L.P.  
1111 Leader Building  
526 Superior Avenue  
Cleveland, Ohio 44114-1400  
Phone: (216) 621-2234  
Fax: (216) 621-4072

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 13 was amended as follows:

13. (Amended) Ball-and-socket joint as claimed in claim ~~12~~ 24, characterized in that the flange (4.2) protrudes at an approximately 90° angle from the cylindrical center part (4.1) of the metal ring (4).

Claim 16 was amended as follows:

16. (Amended) Ball-and-socket joint as claimed in claim ~~15~~ 25 characterized in that the bearing shell (3) also includes a head-side area, facing away from the joint pin (1), that is provided with indentations (3.2) which extend parallel to a joint axis (L).

Allowable claim 12 was rewritten in independent form as new claim 24.

Claim 12 was cancelled.

Allowable claim 15 was rewritten in independent form as new claim 25.

Claim 15 was cancelled.

New claim 26 was added.